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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,009	12/10/2003	George Edward Berkey	BERKEY 47-9-6B	7486

22928 7590 05/18/2004

CORNING INCORPORATED

SP-TI-3-1

CORNING, NY 14831

EXAMINER

ROSASCO, STEPHEN D

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,009	Applicant(s) BERKEY ET AL.	
	Examiner Stephen Rosasco	Art Unit 1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 87-94 and 102-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-94 and 102-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 87-94 and 102-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pluijms (4,746,345) in view of Narasimham (4,941,905) and Uno et al. (6,240,235).

The claimed invention is directed to a method of making a glass blank, said method comprising: providing a longitudinal glass tube, providing a longitudinal mold having a flat sided polygonal shape, positioning said longitudinal glass tube proximate said longitudinal mold, heating said longitudinal glass tube, applying a deforming fluid pressure to said heated longitudinal glass tube wherein said glass tube deforms and conforms to said mold, cooling said deformed glass tube to provide a flat sided polygonal shaped glass tube, and cutting a flat side from said flat sided polygonal shaped glass tube.

And wherein providing a longitudinal glass tube further includes providing a SiO₂ soot tube and consolidating the soot tube into a glass.

Pluijms et al. teach a method of manufacturing solid glass preforms, said method comprising the steps of: providing a hollow tubular glass preform having a length such that its central axis is arranged horizontally with respect to gravity; heating the tubular preform at a heating zone in order to collapse a portion of the tubular preform at the heating zone; and moving the heating zone along the length of the tubular preform until the entire tubular preform is collapsed into a solid glass preform; wherein the step of heating the tubular preform comprises the step of contacting the tubular preform with a plasma symmetrically surrounding the preform and generated in a plasma gas outside the preform via a plasma generating means, the plasma being generated by an alternating electric field having a frequency less than substantially 12 mhz but sufficiently high to be able to ignite and maintain a plasma in the plasma gas such that the space between the plasma generating means and the tubular preform remains substantially filled with plasma during substantially the entire collapsing of the tubular preform.

The teachings of Pluijms differ from those of the applicant in that the applicant teaches providing a longitudinal glass SiO₂ soot tube and consolidating the soot tube into a glass.

Narasimham teaches methods of soot overcladding an optical perform, and more particularly, methods for sintering a boule, which has been deposited about a substrate rod by coupling microwave energy to the substrate rod.

Uno et al. teach the use of a polygon shaped glass tube in manufacturing.

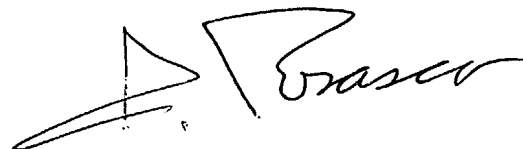
Art Unit: 1756

Therefore, it would have been obvious to one having ordinary skill in the art to take the teachings of Pluijms and combine them with the teachings of Narasimham and Uno et al. in order to make the claimed invention because the use of a polygonal shaped tube and the coating with SiO_2 soot are well known in the art and to make a flat sided blank a flat sided perform is obviously required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Rosasco whose telephone number is 571-272-1389. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff, can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

For general information call (571-272-1700).

A handwritten signature in black ink, appearing to read 'S. Rosasco', with a stylized, elongated initial 'S'.

S. Rosasco
Primary Examiner
Art Unit 1756

S. Rosasco
5/10/04